

IN RE: PETITION FOR ZONING VARIANCE
SE/S Daniels Avenue 20' NR of
c/l Carroll Street
1201 Daniels Avenue
1st Election District
2nd Councilmanic District
John P. Francis, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-504-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 16 feet in lieu of the minimum 22.5 feet for an open projection (carport), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, John P. Francis, Sr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1201 Daniels Avenue, consists of .1033 acres +/- zoned D.R. 5.5, and is improved with a single family dwelling.

The Petitioner testified that during a recent storm, high winds destroyed the carport on the northeast side of the existing dwelling. The Petitioner testified that he desires to replace the former carport, which will accommodate two automobiles and be open on three sides. Testimony indicated that the requested variance will not result in any detriment to the public health, safety or general welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general

welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of June, 1989 that the request for a variance to permit a rear yard setback of 16 feet in lieu of the minimum 22.5 feet for an open projection (carport), as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm

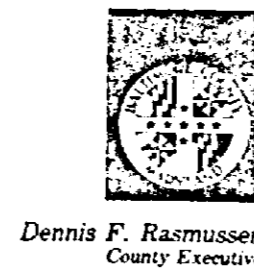
cc: Peoples Counsel

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 21, 1989



Mr. John P. Francis, Sr.
1201 Daniels Avenue
Baltimore, Maryland 21207

RE: Petition for Zoning Variance
Case No. 89-504-A

Dear Mr. Francis:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

JOHN P. FRANCIS, Sr.
1201 Daniels Avenue
Baltimore, Maryland 21207

ZONING DESCRIPTION

BEGINNING for the same and being known and designated as Lots Nos. 1 and 2, Block 9, as shown on a Plat entitled "Plat No. 4, Catonsville Manor", which Plat is recorded among the Land Records of Baltimore County in Plat Book 6, folio 160. The improvements thereon being known as 1201 Daniels Avenue.

BEING the same lots of ground described in a Deed of Assignment dated December 12, 1977 and recorded among the Land Records of Baltimore County in Liber 5837 Folio 198 which was granted and assigned by Roland Edward Hall III and Mary Frances Hall, his wife unto Bruce Edward Carroll and Jacqueline Ann Carroll, his wife, the herein Grantors.

A copy of this deed is recorded among the Land Records of Baltimore County at Liber 7512, folio 739.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 1st Date of Posting: May 14, 1989
Posted for: John P. Francis, Sr.
Petitioner: John P. Francis, Sr.
Location of property: SE/S Daniels Avenue, 20' NR of c/l Carroll Street
Location of Sign: 1201 Daniels Avenue
Remarks: Posting & Advertising for Zoning Variance
Posted by: J. Robert Haines Date of return: June 23, 1989
Number of Signs: 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 5/23/89



Dennis F. Rasmussen
County Executive

Mr. John P. Francis, Sr.
1201 Daniels Avenue
Baltimore, Maryland 21207

Re: Petition for Zoning Variance
CASE NUMBER: 89-504-A
SE/S Daniels Avenue, 20 ft. NE of c/l Carroll Street
1201 Daniels Avenue
1st Election District - 2nd Councilmanic
Petitioner(s): John P. Francis, Sr.
HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:00 p.m.

Dear Mr. Francis:

Please be advised that \$75.53 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, 111 W. Chesapeake Avenue, Townson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/23/89 ACCOUNT: 89-504-A
RECEIVED FROM: John P. Francis, Sr.
AMOUNT: \$ 75.53
FOR: Posting & Advertising for Zoning Variance

VALIDATION OR SIGNATURE OF CASHIER
FOLLOW: CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

May 9, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Townson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-504-A
SE/S Daniels Avenue, 20 ft. NE of c/l Carroll Street
1201 Daniels Avenue
1st Election District - 2nd Councilmanic
Petitioner(s): John P. Francis, Sr.
HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:00 p.m.

Variance to permit a rear yard setback of 16 ft. in lieu of the minimum 22.5 ft. for an open projection (carport).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: John P. Francis, Sr.
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-504-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 102.3, B.C.Z.R.

To PERMIT A REAR YARD SETBACK OF 16 FEET IN LIEU OF THE

MINIMUM 22.5 FEET REQUIRED BY SECTION 102.3, B.C.Z.R.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. We cannot park in front of the house due to police posting "NO PARKING THIS SIDE."
2. Carroll Street is a narrow street which runs alongside of the house and has heavy traffic.
3. The granting of this variance will allow off street parking for me and my wife who has arthritis and has difficulty in walking from the street into the house.
4. Carport to replace one blown down on December 28th by 80 mi. an hour winds.
5. Request variance so that building permit may be obtained.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	MAP
(Type or Print Name)	John P. Francis, Sr.	
Signature	(Type or Print Name)	P.D.
Address	Signature	213
City and State	(Type or Print Name)	1000
	Signature	GP
Attorney for Petitioner:	1201 Daniels Ave.	747-3637
(Type or Print Name)	Address	Phone No.
Signature	Baltimore, Maryland 21207	
Address	City and State	
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
Attorney's Telephone No.	Name	
	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the 9th day of June, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Townson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 89-504-A
SE/S Daniels Avenue, 20 ft. NE of c/l Carroll Street
1201 Daniels Avenue
1st Election District - 2nd Councilmanic
Petitioner(s): John P. Francis, Sr.
HEARING DATE: FRIDAY, JUNE 9, 1989 at 2:00 p.m.

Variance to permit a rear yard setback of 16 ft. in lieu of the minimum 22.5 ft. for an open projection (carport).

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
CAT/5248 May 18

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Townson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 89-504-A
SE/S Daniels Avenue, 20 ft. NE of c/l Carroll Street
1201 Daniels Avenue
1st Election District - 2nd Councilmanic
Petitioner(s): John P. Francis, Sr.
HEARING DATE: FRIDAY, JUNE 9, 1989 at 2:00 p.m.

Variance to permit a rear yard setback of 16 ft. in lieu of the minimum 22.5 ft. for an open projection (carport).

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
CAT/5248 May 18

Office of
PATUXENT

Publishing Company
10750 Line Patuxent Pkwy
Columbia, MD 21044

19

THIS IS TO CERTIFY, that the annexed advertisement of

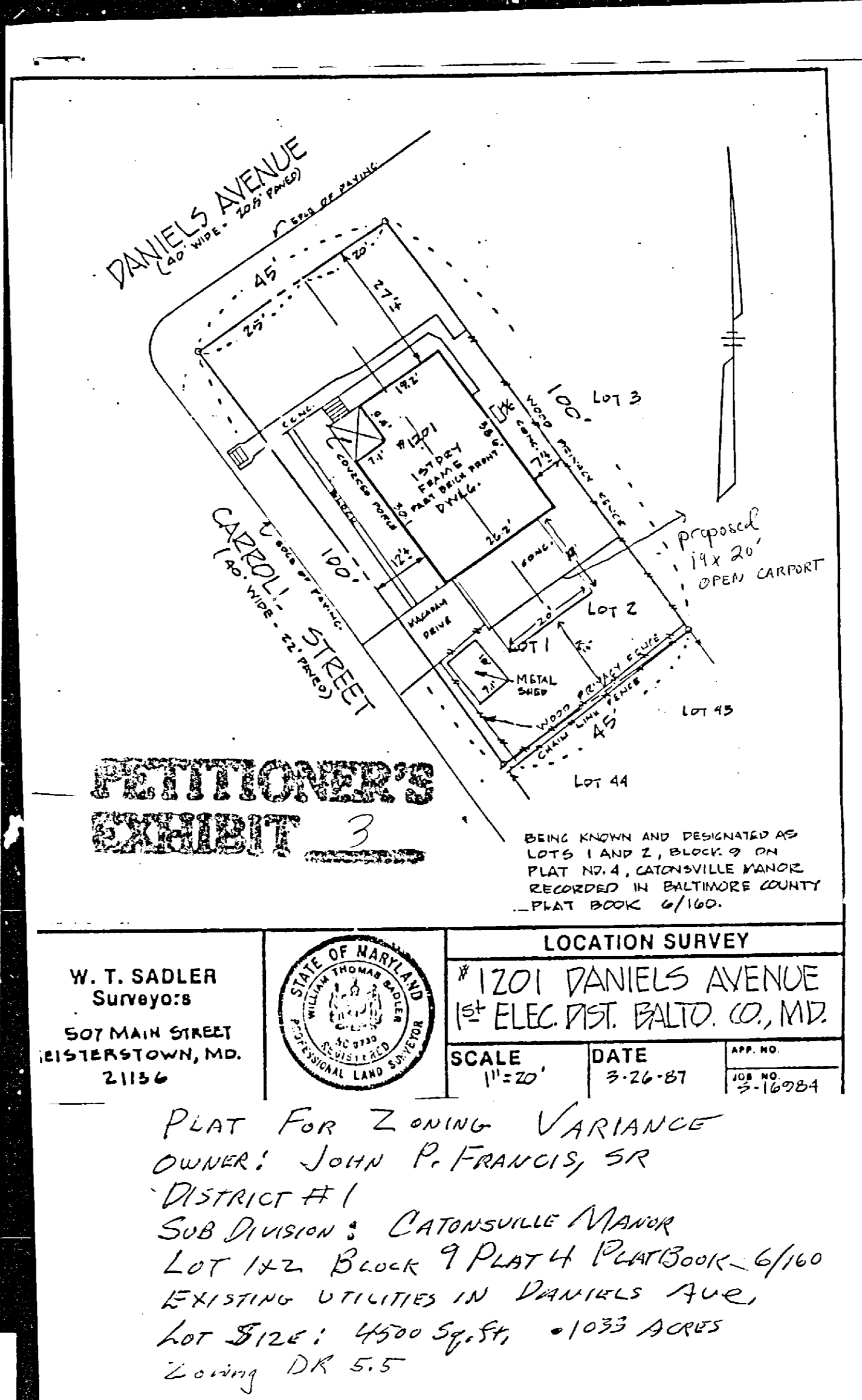
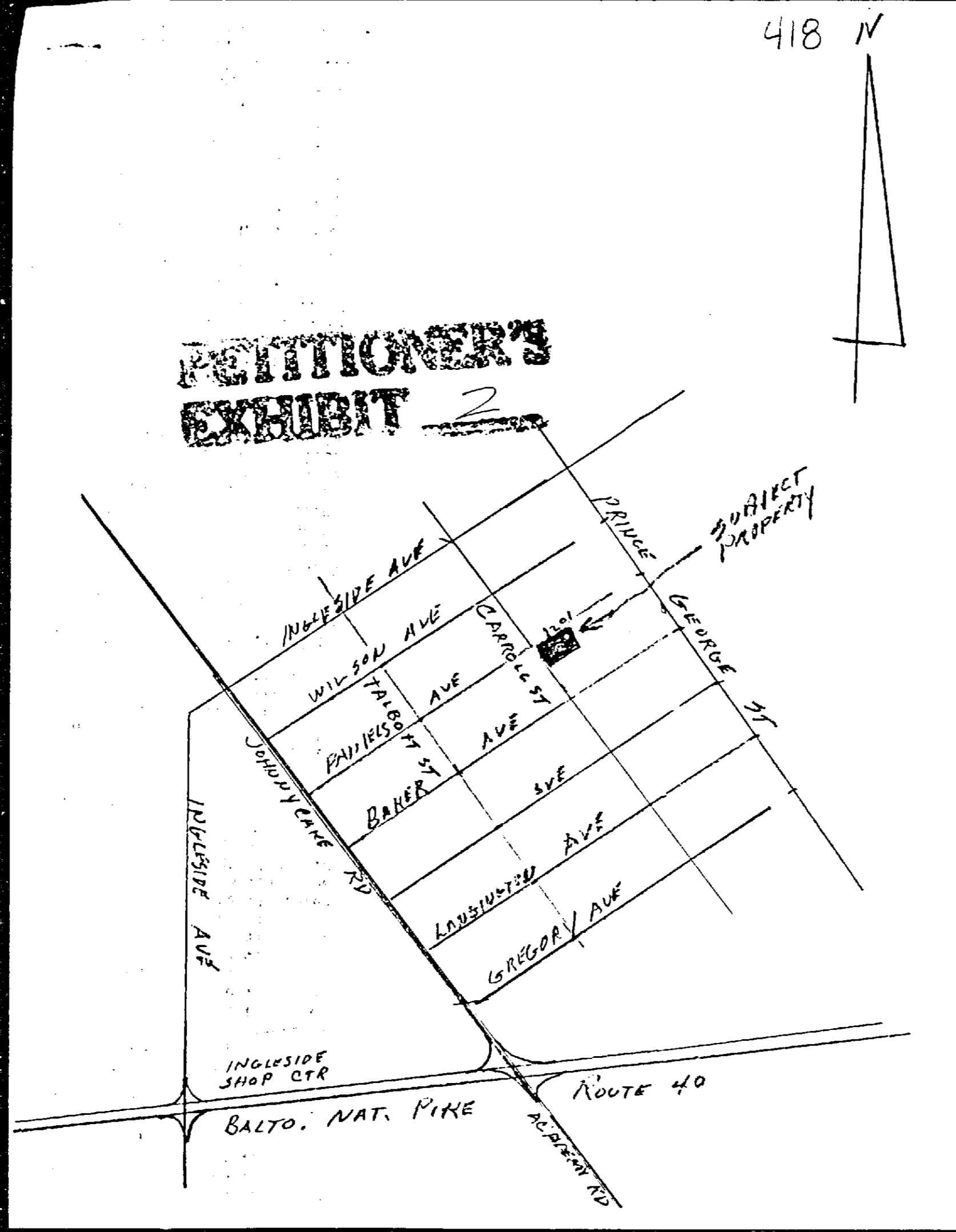
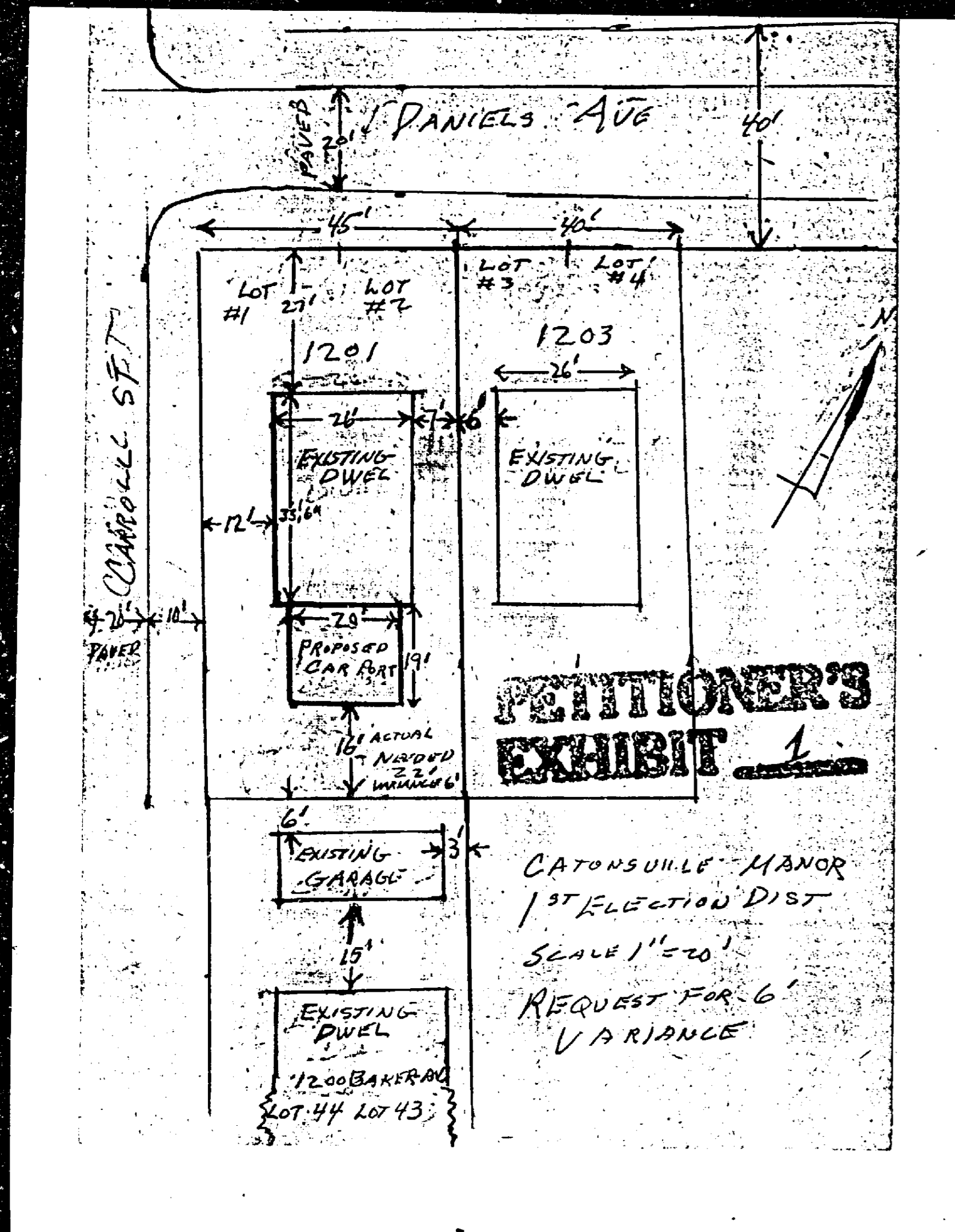
was inserted in the following: ☒ THE JEFFERSONIAN
☒ Catonsville Times ☐ Booster Weekly
☐ Arbutus Times ☐ Owings Mills Flier
☐ Reporter Weekly ☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for 19 successive weeks before the 19 day of May, 1989, that is to say, the same was inserted in the issues of

PATUXENT PUBLISHING COMPANY

By S. E. ...

PO 12520
NY 4128966
ca 89-504-A
pwa 363.53



89-504-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
19th day of April, 1989.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: John P. Francis, Sr.
Petitioner's Attorney: _____

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 31, 1989

Mr. John P. Francis, Sr.
1201 Daniels Avenue
Baltimore, MD 21207

RE: Item No. 418, Case No. 89-504-A
Petitioner: John P. Francis, Sr.
Petition for Zoning Variance

Dear Mr. Francis:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 358, 385, 415, 418, 419, 420, 421, 422, and 423.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 28 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
(410) 439-4500

Paul H. Bohnke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: John P. Francis, Sr.
Location: SE/S of Daniels Ave., 20' NE of centerline of Carroll Street
Item No.: 418 Zoning Agenda: 4/18/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1985 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Ch. C. Kelly* 4-14-89 NOTED & *APR 14 1989*
Planning Group APPROVED: *APR 14 1989*
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Case No. 89-504-A
Item No. 418

Re: John P. Francis, Sr.

The Petitioner requests that the following be added to the final plans for the referenced property:

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

2. A second means of vehicle access is required for the site.

3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1985 edition prior to occupancy.

6. Site plans are approved, as drawn.

7. The Fire Prevention Bureau has no comments at this time.